

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
In re	)	Chapter 11, Case No. 21-30091-EDK
	)	
MT. TOM COMPANIES, INC.	)	
	)	
Debtor	)	
_____	)	

**APPLICATION TO EMPLOY COUNSEL UNDER GENERAL RETAINER**

Now comes, MT. TOM COMPANIES, INC., the debtor herein ("Debtor"), and respectfully represents:

1. That on or about March 25, 2021, the Debtor filed a Voluntary Petition seeking relief under Chapter 11 of the United States Bankruptcy Code.
2. The Debtor's business is a real estate holding and management organization which owns real estate located in Holyoke, Massachusetts.
3. That the Debtor desires to employ the services of GOLDSMITH, KATZ & ARGENIO, P.C. ("Goldsmith") of 1350 Main Street, Springfield, Massachusetts, to serve as counsel to the Debtor in this Chapter 11 case.
4. Goldsmith is experienced in insolvency matters and related matters, and is duly admitted to practice before this Honorable Court. The Debtor believes that Goldsmith is well qualified to represent the interests of the Debtor in Possession in this case.
5. That the duties and responsibilities of Goldsmith as counsel to the Debtor shall include, but not be limited to, the following:
  - (a) to provide legal advice with respect to the powers and duties of the Debtor in

Possession in the continued operation of its business;

(b) to represent the interests of the Debtor at the 341 meeting, confirmation hearing and any other hearings scheduled before this Honorable Court;

(c) to assist the Debtor in complying with the procedural requirements of the Office of the United States Trustee;

(d) to assist the Debtor in the resolution of its financial problems and the implementation of the Plan for Reorganization which it anticipates filing in this case;

(e) to represent the Debtor in its dealing with regulatory authorities, agencies and taxing authorities;

(f) to prepare on behalf of the Debtor, as Debtor in Possession, necessary Applications, Motions, Answers, Orders, Complaints, Reports and other legal documents;

(g) to perform all other bankruptcy related legal services for the Debtor which may be necessary.

6. To the best of the Debtor's knowledge and belief, Goldsmith represents no interests adverse to the Debtor's estate in the matters upon which it is to be engaged, and its employment would be in the best interest of this estate.


7. GOLDSMITH, KATZ & ARGENIO, P.C. has received \$12,500.00 as a retainer for legal services and expenses for the within bankruptcy.

WHEREFORE, the Debtor prays that it be authorized to employ and appoint

GOLDSMITH, KATZ & ARGENIO, P.C. as counsel under general retainer to represent its interests as a Debtor in Possession in this proceeding.

MT. TOM COMPANIES, INC.

Dated: March 30, 2021

By:   
TIMOTHY F. KENNEDY, President

UNITED STATES BANKRUPTCY COURT  
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	)	
Debtor	)	
_____	)	

**SIGNED STATEMENT OF PROFESSIONAL PERSON**

1. I hereby represent that I do not hold or represent any interest adverse to the estate of the above-noted Debtor (11 U.S.C. Section 327). I further represent that no member of my firm holds or represents any interest adverse to the estate.

2. My, and my firm's connections with the Debtor, creditors, or other parties in interest, their respective attorneys and accountants (Federal Rule of Bankruptcy Procedure 2014(a)) are as follows: Representatives of Mt. Tom Companies, Inc. ("Debtor") initially consulted me in January 2021, regarding representing it concerning a possible Chapter 11 case.

3. I hereby represent that I am and each member of my firm is a "disinterested person" (11 U.S.C. Section 327) as that term is defined in 11 U.S.C. Section 101(14).

4. I hereby represent that neither I nor any member of my firm is disqualified by reason of being a relative of a Judge of the United States Bankruptcy Court for the District of Massachusetts, nor am I or any member of my firm disqualified by reason of being a relative of the United States Trustee for the Districts of Maine, Massachusetts, New Hampshire and Rhode Island (Federal Rule of Bankruptcy Procedure 5002).

5. I hereby represent that I have agreed not to share with any person (except members of my firm) the compensation to be paid for the services rendered in this case.

6. I have received a retainer in this case in the amount of \$12,500.00, which sum, upon information and belief, was generated by the debtor from a loan to the corporation.

7. I shall amend this statement immediately upon my learning that: (a) any of the within representations are incorrect or (b) there is any change of circumstance relating thereto.

8. I have reviewed the provisions of Massachusetts Local Bankruptcy Rule 2016-1.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: March 30, 2021

By: 

JONATHAN R. GOLDSMITH, ESQ.

(BBO No. 548285)

GOLDSMITH, KATZ & ARGENIO, P.C.

1350 Main Street, Suite 1505

Springfield, MA 01103

Tel. (413) 747-0700

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	)	
Debtor	)	
_____	)	

**ORDER ON APPLICATION TO EMPLOY COUNSEL**  
**UNDER GENERAL RETAINER**

At Springfield, in said District on this                      day of                      , 2021.

Upon the Application of MT. TOM COMPANIES, INC., Debtor in Possession, for the employment of the GOLDSMITH, KATZ & ARGENIO, P.C. as Counsel to the Debtor under general retainer, as more fully set forth in the Debtor's Application, it appearing to be in the best interest of the estate to allow said Application, for cause shown, it is hereby

ORDERED that the GOLDSMITH, KATZ & ARGENIO, P.C., of 1350 Main Street, Suite 1505, Springfield, Massachusetts is hereby authorized to serve as Counsel to the Debtor, under general retainer, until further Order of this Court, with all fees and expenses subject to further Order of this Court.

\_\_\_\_\_  
HONORABLE ELIZABETH D. KATZ  
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MT. TOM COMPANIES, INC. )  
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Debtor )  
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Chapter 11, Case No. 21-30091-EDK

**CERTIFICATE OF SERVICE**

I, JONATHAN R. GOLDSMITH, ESQ., of the GOLDSMITH, KATZ & ARGENIO, P.C., 1350 Main Street, Springfield, Massachusetts, do hereby certify that I have served a copy of the within Application to Employ Counsel and Signed Statement of Professional Person upon those parties listed on the attached Exhibit "A" by either electronic mailing or by mailing, first class, postage prepaid, this 31<sup>st</sup> day of March, 2021.

/s/ Jonathan R. Goldsmith, Esq.  
JONATHAN R. GOLDSMITH, ESQ.

City of Holyoke  
Tax Collector  
City Hall  
Holyoke, MA 01040

Commonwealth of Mass.  
Dept. of Conservation & Recreation  
251 Causeway St., Suite 600  
Boston, MA 02114-2119

Commonwealth of Mass.  
Dept. of Revenue  
Litigation Bureau – Bankr. Unit  
P.O. Box 9564  
Boston, MA 02114

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Site Reclamation, LLC  
273 State Street, 2<sup>nd</sup> Floor  
Springfield, MA 01103

Mt. Tom Companies, Inc.  
273 State Street, 2<sup>nd</sup> Floor  
Springfield, MA 01103

Office of the U.S. Trustee  
446 Main Street, 14<sup>th</sup> Floor  
Worcester, MA 01608